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17 Attorneys for Defendants

18 UNITED STATES DISTRICT COURT
19
20 NORTHERN DISTRICT OF CALIFORNIA,
21
22 SAN JOSE DIVISION

23 ELIZABETH WEISS,

Case No. 5:22-CV-641-SVK

24 Plaintiff,

**STIPULATION AND PROPOSED
ORDER TO EXTEND TIME TO
RESPOND TO COMPLAINT AND
OPPOSE PRELIMINARY
INJUNCTION MOTION;
DECLARATION OF BRADLEY S.
PHILLIPS**

25 vs.

26 STEPHEN PEREZ, in his official
27 capacity as Interim President of San
28 Jose State University; VINCENT J.
DEL CASINO, in his official capacity
as Provost of San Jose State
University; WALT JACOBS, in his
official capacity as Dean of the
College of Social Sciences at San Jose
State University; ROBERTO
GONZALES, in his official capacity
as Chair of the Department of
Anthropology at San Jose State
University; CHARLOTTE SUNSERI,
in her official capacity as NAGPRA
Coordinator at San Jose State
University, and ALISHA MARIE
RAGLAND, in her official capacity as
Tribal Liaison at San Jose State
University,

Defendants.

1 IT IS HEREBY STIPULATED BY AND BETWEEN PLAINTIFF AND
2 DEFENDANTS THAT:

3 1. Defendants may have until and including Thursday, February 24, 2022,
4 in which to file their opposition to Plaintiff's Motion for Preliminary Injunction.
5 That motion was filed on January 31, 2022, but not served until February 3, 2022.
6 The Court's docket reflects a deadline of February 14, 2022, for the opposition,
7 apparently based on the January 31 filing date. This is the first extension of time for
8 Defendants' opposition. *See* Declaration of Bradley S. Phillips.

9 2. Defendants may have until and including Monday, March 7, 2022, in
10 which to answer or otherwise respond to the Complaint. This extension does not
11 change any deadline already fixed by the Court and is the first extension for
12 Defendants' response to the Complaint.

13
14 DATED: February 9, 2022

MUNGER, TOLLES & OLSON LLP
BRADLEY S. PHILLIPS
NATALIE MOYCE

17 By: /s/ Bradley S. Phillips
18 Bradley S. Phillips
19 Attorneys for Defendants California State
20 University Officials

21 DATED: February 9, 2022

PACIFIC LEGAL FOUNDATION
DANIEL M. ORTNER
ETHAN W. BLEVINS

24 By: /s/ Daniel M. Ortner
25 Daniel M. Ortner
26 Attorneys for Plaintiff Elizabeth Weiss
27
28

FILER'S ATTESTATION

I, Bradley S. Phillips, am the ECF user whose identification and password is being used to file this Stipulation And Proposed Order To Extend Time To Respond To Complaint. Pursuant to Civil Local Rule 5-4.3.4(a)(2)(i), I hereby attest that the above-named signatories concur in and authorize this filing.

Dated: February 9, 2022

/s/ Bradley S. Phillips
Bradley S. Phillips

PROPOSED ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: February __, 2022

United States Magistrate Judge

DECLARATION OF BRADLEY S. PHILLIPS

I, Bradley S. Phillips, hereby declare:

1. I am a member of the Bar of this Court and a partner in the law firm Munger Tolles & Olson LLP, counsel for Defendants. I make this declaration based on personal knowledge and could testify competently to the facts set forth.

2. Plaintiff filed her Complaint and Motion for Preliminary Injunction on Monday, January 31, 2022. Counsel in the Office of the General Counsel at California State University agreed to accept service of those documents on behalf of all Defendants as of Thursday, February 3, 2022.

3. Without any extension, Defendants' response to the Complaint would be due on Thursday, February 24, 2022. Plaintiff has agreed to an extension of time for that response to Monday, March 7, 2022. This is the first such extension and will not affect the schedule for the case.

4. The Court's docket reflects a deadline of February 14, 2022, for Defendants' opposition to Plaintiff's Motion for Preliminary Injunction. That deadline is apparently based on the filing of the Motion on January 31, but the Motion was not served until February 3, meaning that the opposition would not be due until February 17. Plaintiff has agreed that Defendants may have an additional week, through and including Monday, February 24, 2022, in which to file their opposition. This is the first such extension and will not affect the schedule for the case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 9th day of February, 2022, at Los Angeles, California.

/s/ Bradley S. Phillips
Bradley S. Phillips